



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/267,464 03/12/99 MOTHWURF

E 88731-0

EXAMINER

QM12/1201

J GEORG SEKA  
TOWNSEND AND TOWNSEND AND CREW LLP  
8TH FLOOR  
TWO EMBARCADERO CENTER  
SAN FRANCISCO CA 94111-3834

LAYNO, B

ART UNIT

PAPER NUMBER

3711

DATE MAILED:

12/01/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/267,464**

Applicant(s)  
**Ewald Mothwurf**

Examiner  
**Benjamin H. Layno**

Group Art Unit  
**3711**



☒ Responsive to communication(s) filed on Sep 22, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-40 46 is/are pending in the application.

Of the above, claim(s) 20-46 is/are withdrawn from consideration.

☒ Claim(s) 2-19 is/are allowed.

☒ Claim(s) 1 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3711

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's election with traverse of Group I in Paper No. 9 is acknowledged. The traversal is on the ground(s) that there are subtle differences between the groups of the identified claimed groups and are all directed to the same invention. This is not found persuasive because each group are different inventions requiring searches in different class and subclasses, see paper no. 8.

The requirement is still deemed proper and is therefore made FINAL.

### ***Specification***

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3711

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams as applied in view of French.

The patent to Williams discloses a game of roulette comprises differently colored playing chips, and a chipper machine 17. When chips pass through the chipper machine, the machine sorts the chips according to color and counts the number of chips of each specific color, column 2, line 64 to column 3, line 19. The patent to French discloses an electronic system for estimating the total amount bet by an individual patron participating in a gaming table. French comprises a gaming table 19 having bet placement areas 23 and 25, chips having transponder 17 and antennas 29 located underneath the bet placement areas. French's electronic system has a processor which sums the values of the gaming chips at each of the bet placement areas during a given period of time. Consequently, the total value of chips played by a player over a given period of time can be ascertained, column 6, lines 12-26. Furthermore, French recites that his system may be adapted for roulette games, column 2, lines 65-67. In view of such teaching, it would have been obvious to incorporate French's electronic system for estimating the total amount bet by an individual patron participating in a gaming table, to Williams roulette game. This modification would have more accurately tracked the movement of chips in Williams roulette game for security purposes.

Art Unit: 3711

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preamble of claim 1 recites "A method of estimating the total amount bet by an individual patron". The only step recited in claim 1 is the step of counting the number of chips..... which pass through a chipper machine". There is no steps in claim 1 reciting how the total amount bet by an individual patron is determined. This is indefinite.

Regarding claim 1, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Allowable Subject Matter***

6. Claims 2-19 are allowed.
7. The following is an examiner's statement of reasons for allowance: The patents to Bacchi, Kiritchenko, Adams et al. and Hoehne disclose various electronic systems for tracking and sorting gaming chips. However, none of the cited references alone or in combination teach the claimed

Art Unit: 3711

steps of associating the number of color chips sorted by the chipper machine per color with the patron, and determining the total amount bet by that patron by mathematically linking the chip value of the color chip of the patron with the number of chips of the individual color sorted by the chipper machine in the time period in which the color chip is associated with that patron" as recited in claim 2.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (703) 308-1815.

For **official** fax communications to be officially entered in the application the fax number is (703) 305-3579.

For **informal** fax communications the fax number is (703) 308-7768.

Any inquiry of a general nature or relating to the **status of this application** or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Any inquiry concerning the **drawings** should be directed to the Drafting Division whose telephone number is (703) 305-8335.

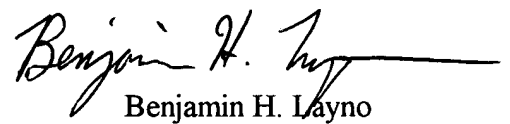
Application/Control Number: 09/267464

Page 6

Art Unit: 3711

bhl

November 29, 2000

A handwritten signature in cursive script, reading "Benjamin H. Layno", followed by a horizontal line.

Benjamin H. Layno

Primary Examiner

Art Unit 3711